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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,592	11/03/2000	Joseph J. Kubler	DN38415R1	8640

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EXAMINER
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CHANG, EDITH M

ART UNIT	PAPER NUMBER
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2637

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,592

Applicant(s)

KUBLER ET AL.

Examiner

Edith M Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments/Remarks***

1. Applicant's arguments with respect to claims filed on June 17 2004 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claims 16, 22-25, 30 and 33 are objected to because of the following informalities:

Claim 16, line 14: "a wireless communication network" is suggested changing to "the wireless communication network".

Claims 22-25, lines 1-2: "a wireless communication network" is suggested changing to "the wireless communication network".

Claims 30 & 33, line 3: "a wireless network" is suggested changing to "the wireless network".

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19-21 and 27-29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 & 27, line 3: "any network" does not clearly indicate that it is another network or the wireless network established in claim 18.

Claims 20 & 28, line 3: "a network" does not clearly indicate that it is another network or the wireless network established in claim 18.

Claims 21 & 29, line 3: "an identified network" does not clearly indicate that it is another network or the wireless network established in claim 18.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 16-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Monroe et al. (US 6,363,335 B1).

Regarding claims 16-18, 26, 31-32 and 34-35, in FIG.13A to 13C, Monroe et al. discloses a system and its method in the wireless GSM network. There are at least one user equipment (element 1304 of FIG.13A) with wireless subsystem (element 1308 of FIG.13A) at the originating side sending wireless messages or control signals (1332 & 1356 of FIG.13B&C) over wireless link (element 1324 of FIG.13A) and at least one equipment (element 1316 of FIG.13A) with wireless subsystem (element 1312 of FIG.13A) at the receiving side receiving the wireless messages or control signals over wireless link (element 1328 of FIG.13A), wherein the wireless

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messages are modified Hayes AT modem commands, the standard, as stated in column 3 line 35- column 4 line 15. In column 5 lines 18-28, Monroe et al. discloses the modified Hayes AT command including the wireless network information or the identification information, the IP address to the GPRS (e.g. "ATD114.32.0.108"), which is not part of the standard modem command format. The wireless network information is utilized to the initial establishment of the wireless communication network GPRS between the two user equipments (elements 1304 and 1312).

Regarding claims **19 & 27**, in FIG.13B, Monroe et al. discloses the ATA instruction to join any network.

Regarding claims **20-21 & 28-29**, in FIG.13A, Monroe et al. discloses the ATDnnnnnnnn instruction to create a network and join an identified network.

Regarding claims **22-25**, in FIG.14, Monroe et al. discloses the user equipment (element 1404) communicates with the application server (element 1444) via BTS, PSTN and internet for data communication/transmission, hence the user equipment provides the standard AT modem commands communicating with the other equipment on the PSTN or internet (column 8 lines 30-36), and the standard modem instructions include the ATQ for quiet/responsive mode or ATV for numeric/text. Therefore, Monroe et al. discloses the instructions recited in the claims.

Regarding claim **30**, in FIG.13B, column 5 lines 18-27 and column 11 TABLE 2, Monroe et al. discloses a network parameter in the modified modem command to be used in becoming part of a wireless network, such the IP address in the ATD command or the baud rate on the wireless radio in the AT + IPR command.

Regarding **claim 33**, in column 11 TABLE 2, Monroe et al. discloses the network information comprising the time for the response over the wireless connection such as ATS7 is set for waiting time (the wake time) of carrier detecting and in column 4 line 60-column 5 line 1, such as 10 minutes for ATD wait for the response. It is well known that Hayes command set extended to support functions related to wireless links, the permutation and combination of parameters appended in the command are not unique.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edith Chang  
September 28, 2004

TEMESGHEN GHEBRETINSAE  
PRIMARY EXAMINER